

April 9, 2007

Ms. Virginia Kop'Kash
Supervisor, Mitigation Unit
Division of Land Use Regulation
New Jersey Department of Environmental Protection
P.O. Box 439
Trenton, NJ 08625-0439

Subject: **L.E. CARPENTER & COMPANY, WHARTON, NEW JERSEY, NJDEP PERMIT #1439-04-0001.1**
Response to NJDEP Comments dated February 5, 2007, regarding review of the report
entitled *2006 Compensatory Mitigation Monitoring Report*

Dear Ms. Kop'Kash:

RMT, Inc. (RMT), on behalf of L.E. Carpenter & Company (LEC), has prepared this letter to address the New Jersey Department of Environmental Protection (NJDEP) Land Use Regulation Program (LURP) comment letter dated February 5, 2007 following review of the report entitled *2006 Compensatory Mitigation Monitoring Report* (JFNew).

As outlined in the February 5, 2007 LURP response letter, the two JFNew recommended actions discussed in the 2006 monitoring report are similar to those presented in the 2005 monitoring report. Specifically, the two recommendations are:

1. Planting at least 250 additional bare root trees, and
2. Continue maintenance visits for invasive species control to eliminate or effectively control their presence in the wetland mitigation area.

In the February 5, 2007 response letter, the NJDEP LURP assumed that the initial planting of the 250 bare root trees in 2006 was unsuccessful, and subsequently recommended the planting of larger tree stock in the spring of 2007. However, the initial planting of the 250 bare root trees in Spring 2006 as proposed in the report entitled *2005 Compensatory Mitigation Monitoring Report* (approved by NJDEP LURP in the letter dated January 4, 2006) was not performed. Prior to commencing with the proposed planting activities in 2006, changes were made to the Post Remedial Monitoring Plan (PRMP) (conditionally approved by USEPA and NJDEP in the letter dated February 22, 2006) to include the installation of additional mounded monitoring wells within the wetland mitigated area. Due to the fact that installation of the additional mounded monitoring wells would involve disturbance (*i.e.*, drill rig, skid steer, compactor, *etc.*) to the mitigation areas, the supplemental planting of the trees was put on hold to avoid duplicate mitigation and replanting efforts. In addition, installation of the bare root trees should occur in the spring or late fall of each year to provide the greatest chance for survival. If this window is missed, summer planting can prove to be futile as high temperature can severely



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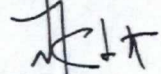
hinder the trees' ability to survive. Invasive species control applications were performed as proposed in the 2005 monitoring report.

Installation of monitoring wells is a NJDEP LURP permit required activity. RMT has submitted a GP-14 permit application to authorize the installation of monitoring devices in a wetland area, and an application for Stream Encroachment Permit Modification to authorize the use of fill in the 100-yr floodplain to the NJDEP LURP. RMT is currently waiting for the formal approval and permits from the NJDEP LURP to proceed with the installation of the wells. The planting of the previously recommended 250 bare root trees and invasive species control will then be implemented in conjunction with the wetland monitoring well mound and general area restorative measures outlined in the GP-14 Permit and Stream Encroachment Permit Modification Applications.

We trust these responses adequately address NJDEP concerns. Please feel free to contact me at (616) 975-5415 with any questions you may have regarding the wetland mitigation monitoring, the responses, and project schedule.

Sincerely,

RMT, Inc.



Nicholas J. Clevett
Senior Project Manager

cc: Stephen Cipot, USEPA
Richard C. Reilly, NJDEP
Cris Anderson, LEC
Kelly Rice, JFNEW
Jim Dexter, RMT
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